



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,113	12/09/2003	Mitica Manu	MS306029.01/MSFTP2220US	5443
27195 7590 09/30/2008 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114				
EXAMINER FITZPATRICK, ATIBA O				
ART UNIT 2624		PAPER NUMBER		
NOTIFICATION DATE 09/30/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com

hholmes@thepatentattorneys.com

lpasterchek@thepatentattorneys.com

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 09/11/2008 have been fully considered but they are not persuasive. As stated in the first paragraph of Applicant's remarks, Applicant amended independent claims 1 and 16 to include features recited in dependent claims 7-10 and 22-25, respectively. However, the amendments to the independent claims are not an exact copy of language used in the aforementioned depending claims. The amendment is similar in subject matter and scope, but adds new information to the independent claims. Particularly, the amendment adds that the first group of signal sets includes a source demographic signal and that a range of values for a source demographic variable correspond to demographic characteristics of a sample source. Note that these after-final amendments are not entered since they are not deemed to place the application in condition for allowance or place the application in better form for appeal by materially reducing or simplifying the issues for appeal. Also, they raise new issues that would require further search and/or consideration. Applicant requests for favorable reconsideration of the subject matter of the patent application in view of the comments and amendments. As note above, the amendments are not entered and will not be addressed. The comments pertaining to the previously presented claims will be addressed below.

Applicant's arguments, see the 4th paragraph of page 14, with respect to the objection of claim 16 have been fully considered and are persuasive in light of the amendment to this claim. The objection of claim 16 has been withdrawn.

On pages 14-17 of Applicant's remarks, Applicant argues for the patentability of the amended claims by addressing arguments made by the office in the final office action. However, the office was not considering the recently proposed amended claim language in the preceding final office action, and these amendments are not entered after the final office action. Therefore, these arguments are rendered moot.

On page 18, Applicant states that:

Furthermore, dependent claim 7 (and similarly dependent claim 22) recites, "at least one variable is a source variable having values characterizing a source of a signal to be processed." At pages, 21 and 22 of the Final Office Action, it is conceded that these features are neither taught nor suggested by Batten and Bellegarda, but are disclosed by Hoffberg, citing column 82, line 14. In fact, Hoffberg does not teach these features, either at the indicated portions or elsewhere in the reference. The cited portions relate to various methods for determining a time. Particular examples of ascertaining the time are to call and number the provides the time in a spoken or audio format, and then use speech recognition to translate to a machine readable format; to tune to a television channel that provides a graphic depiction of the time and to use character recognition techniques to translate the time and so on.

The office will offer clarification of the interpretation of this excerpt taken from claims 7 and 22. The office reminds Applicant that claim limitations are given the broadest reasonable interpretation in light of the specification without incorporating limitations that

are not already present in the claims (See MPEP 2106). A "source variable" is interpreted as a signal or quantity that can take on varying values and pertains to the source of a signal or value. Also, "characterizing a source of a signal" is interpreted as providing a distinguishing trait, quality, or property of a source of a signal. Note that there are not further limitations in these claims that require any other (specific) interpretation. The office agrees that the citation from Hoffberg pertains to methods for determining time. The immediately preceding paragraph of Hoffberg (col 82, lines 3-14) states that "this character recognition algorithm could also be used to obtain or capture information regarding programming schedules, stock prices, and other text information which may appear on certain cable broadcast channels". Returning to the consideration of determining time however, the source in Hoffberg is the source of the time signal. The variable is the data/signal that is received from the source that is used for determining/setting the time for the "Intelligent Adaptive VCR Interface" system. It goes without saying that the data would be variable since it would be used for determining the current time. This section of Hoffberg beginning on line 5 of col 81 and pertaining to the "Intelligent Adaptive VCR Interface" system describes multiple sources including a telephone connection to a voice line which repeats the time, a modem or communication device, and cable broadcasting systems having a channel that continuously broadcasts the time in image form. The variable would be characteristic of the source since its form would have a direct correspondence to the source and have i.e. different sources would have variables of different forms. The variable form itself is a distinguishing trait, quality, or property of a source. The variable from the telephone

connection would be voice that would be processed using speech recognition. The variable received from the modem would be digitally coded data that would need to be decoded. The variable received from the cable broadcasting system would be image data which would require image analysis pattern recognition.

In the next paragraph of page 18, Applicant states that:

Most particularly, receiving some arbitrary input does not teach or suggest what is claimed by merely reciting the word "source." For example, in order to reject this claimed, it is assumed that "a source variable" from the claims is analogous to the "source access method" of Hoffberg. However, the source access methods of Hoffberg are methods relating to recognition techniques for various time data formats. When considering the claim as a whole (including features recited in the base claims 1 and 16, respectively), it is readily apparent that methods relating to recognition techniques are not the same as the source variable of the instant claims. For example, reference to well-known recognition methods does not teach or suggest "a source variable having values characterizing a source of a signal to be processed" wherein the source variable is a variable from the plurality of variables recited in claims 1 and 16, respectively, that are readily distinguished from the methods mentioned in Hoffberg. For at least these reasons, this rejection should be withdrawn.

In no way does Batten or the claim language prohibit the pattern recognition application from being time determination or prohibit the source in question from being the source of the time data. In the abstract, Batten suggests that the invention may be used in many diverse areas and provides examples such as intelligent vision systems and signal processing. An intelligent vision system is used to read the time from the image variable present in Hoffberg, and signal processing is used to perform the speech

recognition of Hoffberg. The independent claims 1 and 16 do not mention a source variable characterizing a source. The combinations of the independent claims and claims 7 and 22 do not provide any specific details that prohibit this interpretation or Hoffberg from reading on the aforementioned excerpt from the claims. Note that Hoffberg is not relied upon for rejecting the independent claims. These claims are rejected using Batten in view of Bellegarda. Primarily, Batten is used for teaching the plurality of variables and it is shown to be obvious that one of these variables can be a characteristic of the source of the variable as disclosed by Hoffberg (described above). As stated earlier, it would be obvious to combine the teachings of Batten and Hoffberg since Batten discloses a general pattern recognition routine that can have many applications including the signal processing and image analysis applications disclosed in Hoffberg.

On page 19, Applicant argues for that patentability of claims 9, 10, 24 and 25 by stating that:

In particular, features included in the instant claims have been incorporated into independent claims 1 and 16. Hence, various shortcomings of the indicated references discussed supra in §II are applicable here as well. Most particularly, the Final Office Action concedes at page 26 that Hoffberg does not teach "the signals to be processed comprise handwriting samples," as recited in dependent claims 9 and 24. However, the Examiner maintains this rejection by suggesting that all other features included in the claims are disclosed by Hoffberg, even though such features are intimately tied to handwriting samples.

Note that the amendments to the independent claims being referred to by Applicant are similar but not the same as the language present in these dependent claims. The differences were highlighted earlier. Recall that the recent proposed amendments to the independent claims have not been entered. The appropriateness of the rejection of these dependent claims will be explained below.

In the next paragraph of page 19, Applicant states that:

In essence, the analysis presented rejects the claims in piecemeal fashion by ignoring the meaning of the claims as a whole in favor of finding elements disclosed in Hoffberg that relate to "source," "context," and "physical" features in materially distinct contexts vis-a-vis what is claimed, and then combining these features (again without any apparent rationale or context) with a reference that describes handwriting samples. Assuming arguendo that it is permissible to combine Hoffberg and Thiesson in the manner suggested by the Examiner, the obvious implication required to reject these claims is that the values of the "variables" described in Hoffberg comprise demographic data regarding users creating handwriting samples described in Thiesson. Such an implication is not germane, as the handwriting samples of Thiesson are incompatible with the features of Hoffberg that are deemed to be analogous to the "variables" of the claims. For example, in all cases, what is deemed by the analysis to be the source variable, the context variable, and the physical variable, relate to aspects of an end-user rather than variables of a signal set. Such analysis is illogical and impermissible, tantamount to merely identifying similar terminology rather than an equivalent teaching. Accordingly, it is respectfully requested that this rejection be withdrawn.

In response to applicant's arguments against the references individually asserting piecemeal analysis by the office, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Hoffberg discloses the limitations "source," "context," and "physical" features in contexts corresponding to the claim language. Note that there is no language in the claim that forces a specific interpretation of these words other than the interpretation used for applying Hoffberg. Note that the claim is read in light of the specification in order to understand the context of the claim language, but limitations are not read into the claims from the specification. Instead, the appropriate dictionary definitions for these words are used in interpreting the claims. Context is defined as the interrelated conditions in which something exists or occurs. Source is understood as the origin of the signal. Physical attributes are understood to be of or relating to something real, visible, or tangible. Note that the claim language does not qualify or further limit the interpretations of these words in any way. The citations from Hoffberg used for rejecting these limitations clearly read on these interpretations.

Considering the relationship between Hoffberg and Thiesson, note that Hoffberg teaches character recognition as discussed above. Thiesson also discloses character recognition wherein the characters are handwriting. Because of this commonality, it is appropriate to combine Thiesson for incorporating teachings pertaining the more specific instance of character recognition (i.e. handwriting recognition) not taught by Hoffberg.

Lastly, Applicant states that the source variable, context variable, and physical variable taught by Hoffberg relate to the end-user instead of the signal. However, Applicant does not expound on this allegation. Also, it appears that Applicant assumes that the variables cannot pertain to both the signal and the user. The office does not understand why the Applicant uses the term end-user for the user as this is not taught by Hoffberg. Clarification in this regard is required. Particularly, as cited, Hoffberg teaches that the context variable relates to the environment of use e.g. the variable inputs or data upon which the apparatus acts or responds. This clearly teaches that the context pertains to the signal. As described above, the source variable pertains to the signal received from the time-data source. Considering the citation from Hoffberg for the physical attributes, these attributes pertain to the input signal used in pattern recognition.

On pages 17-21, Applicant argues that the secondary references used for rejecting the dependent claims do not make-up for the alleged deficiencies of Batten, Bellegarda, and Hoffberg when considering the recently proposed amended independent claims. However, the amendments to these independent claims have not been entered rendering these arguments moot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Atiba Fitzpatrick whose telephone number is (571) 270-

5255. The examiner can normally be reached on M-F 10:00am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571)272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Atiba Fitzpatrick

Patent Examiner

/Samir A. Ahmed/

Supervisory Patent Examiner, Art Unit 2624